

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SLEEPING WELL, LLC,
Plaintiff,

v.

ST. PAUL FIRE AND MARINE INSURANCE
COMPANY,
Defendant.

No. C 10-03658 CW

ORDER CONCERNING
DEFENDANT'S
MOTION FOR RELIEF
FROM NON-
DISPOSITIVE
PRETRIAL ORDER OF
MAGISTRATE JUDGE
AND LETTER
BRIEFING

As discussed at the case management conference held on April 5, 2011, the Court will take under submission on the papers Defendant St. Paul Fire and Marine Insurance Company's motion for relief from Magistrate Judge Bernard Zimmerman's order staying discovery. This motion will not be "deemed denied" pursuant to Civil L.R. 72-2; it will be decided in a written order.

The parties have a settlement conference before Magistrate Judge Donna Ryu scheduled for April 18, 2011 at 10:00 a.m. If the parties do not settle their case, they shall discuss their disputes over discovery and the timing of the duty to defend summary judgment motion with Judge Ryu. If they cannot resolve those disputes at the settlement conference, each party shall file a letter brief regarding any remaining issues by April 25, 2011. In its respective letter brief, each party shall address its proposal

1 regarding the extent and timing of the discovery and motion
2 practice necessary to resolve the dispute over Defendant's duty to
3 defend. As stated at the case management conference, Plaintiff may
4 not re-notice this motion until October 6, 2011, unless the parties
5 can stipulate to, or the Court later orders, an earlier date.

6 IT IS SO ORDERED.

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8 Dated: 4/12/2011


CLAUDIA WILKEN
United States District Judge

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10 cc: Magistrate Judge Ryu
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